

## **TITLE 5 (Chapter 24, subchapter 2). LIBRARY OF CALIFORNIA**

### **Article 1. General Provisions**

20300. Scope. The regulations contained in this chapter shall implement the Library of California Act, Chapter 4.5 of Part 11 of Division 1 of Title 1 of the Education Code, beginning with Section 18800 thereof.

Authority cited: Section 18821, Education Code.

Reference: Chapter 948, Statutes of 1998; Chapter 4.5, commencing with Section 18800 of the Education Code.

#### **20301. Funding Provisions.**

(a) Funding distributed according to Library of California Act provisions shall be used to support library purposes.

(b) Institutions and public library jurisdictions receiving reimbursement under the provisions of Education Code Section 18844 (a-e) may not collect fees for those same services or those portions thereof for which they have received reimbursement.

Authority cited: Section 18821, Education Code.

Reference: Section 18801 (b)(1), 18802 (d), 18802 (i), and 18830 (c), Education Code.

### **Article 2. Definitions**

#### **20302. Definitions.**

(a) These additional definitions concerning Library of California Act components complement those set forth in Education Code Section 18810.

(b) Additions to the definitions are as follows.

(1) "California Literacy Campaign" means the program authorized and funded under the California Library Literacy Service Act, Education Code Section 18733.

(2) "Chief Executive Officer" means the State Librarian.

(3) "Families for Literacy" means the program authorized and funded under the California Library Literacy Service Act, Education Code Section 18735.

(4) "Fiscal year" means the State fiscal year unless otherwise specified.

- (5) “President” means the elected president of the state board.
- (6) “Regional library network affiliation” means that a public library jurisdiction or an institution formally and legally joins a regional library network to obtain full membership status.
- (7) “Regional library network consolidation” means the formal and legal joining of the geographic service areas, functions, services, and operations of two or more formerly separate regional library networks into a single regional library network, as defined in Education Code Sections 18840-18842.
- (8) “Regional library network division” means the separation of the geographic service areas, functions, services, operations, and membership of a single regional library network into two or more regional library networks, as defined in Education Code Sections 18840-18842.
- (9) “Regional library network realignment” means a change in boundaries of two or more regional library networks.
- (10) “Regional network council” means regional library council, as defined in Education Code Section 18810 (r).
- (11) “Statewide electronic library card” means the mechanism by which a library user is authorized to obtain the services provided under Education Code Section 18844 (d), the Electronic Direct Access program. These services allow the user to browse the bibliographic catalogs of libraries statewide on a computer, identify and request library resources through a computer, and/or receive the information resources by means of a computer. The statewide electronic library card may be a physical card or an electronically authenticated equivalent or other appropriate vehicle.
- (12) “Vice-President” means the elected vice-president of the state board.

Authority cited: Section 18821, Education Code.

Reference: Section 18810, Education Code.

### Article 3. Library of California Board

20303. Powers and Duties of the State Board. Pursuant to its authority to establish regional library networks, the state board may approve:

- (a) regional library network affiliations and withdrawals; and

(b) regional library network consolidations, realignments, and divisions.

Authority cited: Section 18821, Education Code.

Reference: Section 18821 (e), 18830 (a), and 18840, Education Code.

20304. Officers of the State Board. The state board shall elect a president and a vice-president from its members. The term of each office shall be one year.

(a) The state board shall elect annually a president and vice-president at the last regular meeting of each calendar year.

(b) Should a vacancy occur in the office of president or vice-president, the state board shall elect one of its members to fill such vacancy for the remainder of the term. The state board shall take this action at its next regular meeting following the occurrence of the vacancy.

(c) Duties of the President. The president shall preside at all meetings of the state board, shall appoint committees and advisory bodies as authorized by the state board and as necessary to carry out its work, shall execute for the state board any documents requiring such execution, and shall perform such other duties as the state board determines.

(d) Duties of the Vice-President. The vice-president shall, in the absence of the president, perform the duties of the president.

Authority cited: Section 18821, Education Code.

Reference: Section 18820, Education Code.

20305. Quorum. A quorum for all state board meetings shall be seven of the thirteen members.

Authority cited: Section 18821, Education Code.

Reference: Section 18820, Education Code.

20306. Meetings of the State Board.

(a) Frequency. Regular meetings of the state board shall be held at least four times each year, distributed over the course of the year.

(b) Schedule. The tentative dates and locations for the regular meetings for the forthcoming calendar year shall be determined annually, at the last regular meeting of the calendar year.

(c) Changes in Schedule. Nothing in this regulation shall be construed to prevent the state board from altering its regular meeting dates or altering the locations of meetings.

(d) Meeting Notice. Any person or organization desiring to receive notice(s) of state board meetings may direct the request to: Library of California Board, California State Library, P. O. Box 942837, Sacramento, California 94237-0001.

Authority cited: Section 18821, Education Code.

Reference: Section 18820, Education Code.

#### 20307. Speakers.

(a) Recognition of Speakers. Members of the public or the State Library staff may be recognized by the president to speak at any state board meeting. All remarks made shall be germane to the business at hand and shall be addressed to the president.

(b) Subject of Remarks. All speakers before the state board shall confine their remarks to the subject indicated in the recognition of the president.

Authority cited: Section 18821, Education Code.

Reference: Section 18820, Education Code.

20308. Robert's Rules of Order. Except where the provisions of the Library of California Act or of these regulations provide to the contrary, or when the state board determines otherwise, the state board shall operate under the provisions of Robert's Rules of Order. The state board shall adopt an edition of Robert's Rules of Order as the edition for use by the state board.

Authority cited: Section 18821, Education Code.

Reference: Section 18820, Education Code.

20309. Public Hearings. The state board may hold a public hearing regarding any matter pending before it.

Authority cited: Section 18821, Education Code.

Reference: Section 18820, Education Code.

#### 20310. Public Records.

Inspection of the original copy of any public record of the state board, as defined in Government Code Section 6252 (d) and 6254, shall be permitted during the regular office hours of the California State Library, Library and Courts I Building, 914 Capitol Mall, Sacramento, California 95814.

Authority cited: Section 18821, Education Code and Section 6253.4, Government Code.

Reference: Section 18820, Education Code and Section 6253 (a), Government Code.

### Article 4. Eligible Libraries

#### 20311. Continuation of Membership.

(a) Each institution or public library jurisdiction shall continue as a member of a regional library network as long as:

(1) at least one of its participating libraries meets the eligibility standards required by Education Code Section 18830 (a) and complies with the agreements required by Education Code Section 18830 (b);

(2) the local governing agencies and appropriate administrative authorities do not reduce funding for library services as a result of membership in the regional library network and participation in the programs and services delivered under this Act; and

(3) the institution or public library jurisdiction and its participating libraries comply with the resource sharing standards specified in Section 20312 of this subchapter.

(b) Each regional library network shall assure the compliance of its members with these provisions through its membership policies and procedures.

Authority cited: Section 18821, Education Code.

Reference: Section 18830 and 18840 (c), Education Code.

#### 20312. Resource Sharing Standards.

(a) Each participating library shall participate in one or more of the four access services components in Education Code Section 18844 (a-d).

(b) Each member of a regional library network shall provide access to the library's bibliographic records and location information for those resources it has agreed to share with other libraries, to support the purposes of Education Code Sections 18842

(d) and 18851(a-b). The access shall be provided in such form, manner, and frequency as established through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

Authority cited: Section 18821, Education Code.

Reference: Section 18830 (b), 18842 (d), 18844, and 18851 (a-b), Education Code.

#### 20313. Affiliation with a Regional Library Network.

- (a) If any institution or public library jurisdiction joins the regional library network serving its geographic area under the provisions of Education Code Section 18830, its affiliation shall be certified by the state board.
- (b) Should an institution or public library jurisdiction wish to join a regional library network other than the one serving its geographic area, it may request an exception to the geographic boundary requirement from the state board. An exception may also be requested to enable all participating libraries of a single institution or public library jurisdiction to be served by a single regional library network. The state board's approval for exceptions shall be based on its determination that:
  - (1) the proposed membership is at least as effective a way of carrying out the purposes of the Act as would be the case if the membership were with the regional library network serving the geographic area; and
  - (2) the proposed membership does not result in an inefficient expenditure of state funds or redundancy of service.
- (c) If the participating libraries of an institution or a public library jurisdiction are located in geographic areas served by different regional library networks, the institution or public library jurisdiction may become a member of each regional library network serving one or more of its participating libraries. However, each participating library shall receive state-supported services from a single regional library network and only that regional library network shall file a certification of library participation with the state board under the provisions of Section 20313 (f) of this subchapter for the participating library.
- (d) The administrative body of the regional library network shall file a notice of agreement and the institutional governing body or the public library jurisdictional governing body shall file an affiliation request with the state board by April 1 of the fiscal year prior to the fiscal year when such status is sought.
  - (1) The notice of agreement shall certify that the regional library network approves the membership application of the institution or public library jurisdiction.

- (2) The affiliation request shall certify that the governing body or appropriate administrative authority for the institution or jurisdiction wishes to join the regional library network and agrees to comply with the provisions of this Act.
- (e) For purposes of determining the eligibility of the affiliating institution or public library jurisdiction to receive services and funds under the provisions of this Act, an affiliation shall be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the affiliation is certified by the state board. The state board may approve an earlier effective date if it determines that such action would best serve the purposes of the Act.
- (f) Participating Libraries.
  - (1) If a library within a member institution or member public library jurisdiction elects to become a participating library and it meets the eligibility criteria for a participating library as set forth in Education Code Section 18830 (a-b), and its participation is approved by the regional library network, the administrative body of the regional library network shall file a certification of library participation with the state board by April 1 of the fiscal year prior to the fiscal year when such status is sought.
  - (2) For purposes of determining the eligibility of the participating library to receive services and funds under the provisions of this Act, the status of the library as a participating library shall be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the certification of library participation is filed with the state board. The state board may approve an earlier effective date if it determines that such action would best serve the purposes of the Act.

Authority cited: Section 18821, Education Code.

Reference: Section 18821 (e), 18830, 18831 (a), and 18840, Education Code.

#### 20314. Withdrawal from a Regional Library Network.

- (a) If a member institution or public library jurisdiction does not retain its membership in a regional library network, the regional library network shall notify the state board within thirty days following the official action of the member and/or the regional library network.
- (b) If a participating library does not retain its status as a participating library in a regional library network, the regional library network shall notify the state board within thirty days following the official action of the member on behalf of its participating library and/or the regional library network.

- (c) For the purposes of determining the eligibility of an institution or a public library jurisdiction or a participating library to receive services and funds under the provisions of this chapter, a withdrawal shall be considered effective upon filing the notification with the state board.

Authority cited: Section 18821, Education Code.

Reference: Section 18821 (e), 18830, and 18840, Education Code.

#### 20315. Membership Eligibility Appeals.

- (a) If an institution or a public library jurisdiction considers the membership eligibility policies and/or membership eligibility actions of the regional library network serving its geographic area to be inconsistent with the purposes and provisions of this Act, it may file an appeal with the state board.
- (b) An appeal shall include references to the relevant purposes and/or provisions of the Act; information on the membership eligibility policies and/or membership eligibility actions of the regional library network which appear inconsistent with the Act; and any available documentation.
- (c) The state board shall notify the regional library network of the appeal and shall invite the regional library network to respond to the appeal, which response is due within sixty days of the state board's notice.
- (d) The state board shall take action on the appeal within one hundred and fifty days of the institution's or public library jurisdiction's initial filing.
- (e) The state board's determination shall be based upon:
  - (1) the accuracy of the data presented in the appeal;
  - (2) the impact of the regional library network's membership eligibility actions and/or membership eligibility policies on resource sharing in the geographic region and the state;
  - (3) the consistency of the regional library network's membership eligibility actions and/or membership eligibility policies with the purposes and provisions of the Act; and
  - (4) the exclusion or inclusion of libraries by type, size, or other factors inconsistent with the purposes of this Act as a result of the regional library network's membership eligibility actions and/or membership eligibility policies.



- (f) The decisions of the state board shall become effective thirty days from its official action on the appeal.

Authority cited: Section 18821, Education Code.

Reference: Section 18821 (h), Education Code.

## Article 5. Regional Library Networks

### 20316. Establishment of Regional Library Networks.

- (a) The state board shall use the following criteria to approve the boundaries of the regional library networks, considering both cost-effectiveness and relationship to the resource sharing purposes of this chapter: public library jurisdictional boundaries; commonality with boundaries of educational institutions; recognition of current transportation, marketing, and communication patterns; location of and access to library resources; adequacy of resources for resource sharing purposes; population; and geographical contiguity.
- (b) Every geographic area of the state shall be served by a regional library network.
- (c) Upon receipt of a plan for a regional library network as set forth in Education Code Section 18840, the state board shall review the plan for completeness and for compliance with the purposes and provisions of the Act.
- (d) The state board shall conclude its plan review within one hundred and twenty days from the submission of a plan and approve it or disapprove it. If a regional library network's plan is disapproved, the state board shall note the reason(s) for its disapproval and may make recommendations as to modifications which would make the plan approvable. A modified plan may be re-submitted for state board consideration.
- (e) Upon state board approval, a regional library network shall be established for the purposes of this Act and its organization and members shall be recognized as eligible to receive services and funds under the provisions of this Act. The establishment and recognition of the regional library network shall be considered effective on the first July 1 following state board approval. The state board may approve an earlier effective date if it determines that such action would best serve the purposes of the Act.

Authority cited: Section 18821, Education Code.

Reference: Section 18821 (e), Education Code.

20317. Consolidation of Regional Library Networks.

- (a) If any two or more regional library networks whose borders are contiguous wish to consolidate, a joint notice of intent, approved by the regional network councils of the consolidating regional library networks, shall be filed with the state board no later than September 1 of the fiscal year immediately preceding the July 1 effective date of the consolidation. Regional library network affiliation authorizations approved by the institutional or public library jurisdictional governing body of each member of the new consolidated regional library network, and a new regional library network plan as specified in Education Code Section 18840, shall be filed with the state board no later than January 15 of the fiscal year immediately preceding the July 1 effective date of the consolidation.
- (b) The state board's approval of requests for regional library network consolidations shall be based on the criteria for the establishment of regional library networks specified in Section 20316 of this subchapter and upon the state board's determination that the consolidation provides at least as effective a way of carrying out the purposes of the Act as would be the case if the consolidation did not occur.
- (c) For purposes of determining the eligibility of the regional library networks and their members to receive services and funds under other provisions of the Act, a consolidation approved by the state board shall be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the consolidation authorizations are filed. The state board may approve an earlier effective date if it determines that such action would best serve the purposes of the Act.

Authority cited: Section 18821, Education Code.

Reference: Section 18821 (e) and 18840, Education Code.

20318. Realignment of Regional Library Networks.

- (a) If any two or more regional library networks whose borders are contiguous wish to realign their boundaries, a joint notice of intent, approved by the regional network councils of the realigning regional library networks, shall be filed with the state board no later than September 1 of the fiscal year immediately preceding the effective date of the realignment. Regional library network affiliation requests approved by the institutional or public library jurisdictional governing body of each member of the new regional library networks, and revised or new regional library network plans as specified in Education Code Section 18840, shall be filed with the state board no later than January 15 of the fiscal year immediately preceding the effective date of the realignment.

- (b) The state board's approval of requests for regional library network realignments shall be based on the criteria for the establishment of regional library networks specified in Section 20316 of this subchapter and upon the state board's determination that the realignment provides at least as effective a way of carrying out the purposes of the Act as would be the case if the realignment did not occur.
- (c) For purposes of determining the eligibility of the regional library networks and their members to receive services and funds under other provisions of the Act, a realignment approved by the state board shall be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the realignment authorizations are filed. The state board may approve an earlier effective date if it determines that such action would best serve the purposes of the Act.

Authority cited: Section 18821, Education Code.

Reference: Section 18821 (e) and 18840, Education Code.

#### 20319. Division of Regional Library Networks.

- (a) If a regional library network wishes to divide into two or more regional library networks, a notice of intent approved by its regional network council shall be filed with the state board no later than September 1 of the fiscal year immediately preceding the July 1 effective date of the division. Regional library network affiliation authorizations approved by the institutional or public library jurisdictional governing body of each member of the new regional library networks, and a new regional library network plan as specified in Education Code 18840 for each regional library network resulting from the division, shall be filed with the state board no later than January 15 of the fiscal year immediately preceding the July 1 effective date of the division.
- (b) The state board's approval of requests for regional library network divisions shall be based on the criteria for the establishment of regional library networks specified in Section 20316 of this subchapter and upon the state board's determination that the division provides at least as effective a way of carrying out the purposes of the Act as would be the case if the division did not occur.
- (c) For purposes of determining the eligibility of the regional library networks and their members to receive services and funds under other provisions of the Act, a division approved by the state board shall be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the division request is filed. The state board may approve an earlier effective date if it determines that such action would best serve the purposes of the Act.

Authority cited: Section 18821, Education Code.

Reference: Section 18821 (e) and 18840, Education Code.

20320. Regional Library Network Long-Range Plan and Annual Plan of Service. To continue to qualify for funding under the Library of California Act, each regional library network shall submit a long-range plan and an annual plan of service to the state board for its approval.

- (a) The long-range plan shall set forth the goals and objectives for the regional library network over a three year period, relative to the purposes of this Act and the needs of people within the region.
- (b) The annual plan of service shall provide for:
  - (1) services to advance the regional library network's long-range goals and objectives; and
  - (2) a budget proposed for the next fiscal year.
- (c) Following approval by the regional network council, the long-range plan and annual plan of service shall be submitted annually to the state board by April 1 of the fiscal year immediately preceding the fiscal year for which funds are requested.
- (d) The state board shall review the long-range plan and the annual plan of service for compliance with the purposes and provisions of the Act.
- (e) The state board shall conclude its review within sixty days from the submission of the plans and approve or disapprove them. If a regional library network's plans are disapproved, the state board shall note the reason(s) for their disapproval and may make recommendations as to modifications which would make the plans approvable. Modified plans may be re-submitted for state board consideration.
- (f) Any revision of the annual plan of service, including its budget, shall be submitted to the chief executive officer at least thirty days prior to the effective date of the proposed changes.
- (g) In addition, each regional library network shall file by October 1 of each year a report for the fiscal year just ended, that describes the actual accomplishments and expenditures of the regional library network program, compares them with the planned accomplishments and expenditures for the fiscal year reported, and includes other appropriate commentary.

Authority cited: Section 18821, Education Code.

Reference: Section 18840 (d) and 18841 (a), Education Code.

20321. Administration of Regional Library Networks.

- (a) The regional library network shall provide for the position of a chairperson.
- (b) The regional network council and its representative board shall have regular meetings, which shall be open and accessible to the public as required in the Open Meetings Act (Government Code Sections 54950-54961).
- (c) The regional network council and its representative board may establish such subgroups, committees, and advisory bodies as necessary to assure the effective and efficient operation of the regional library network.

Authority cited: Section 18821, Education Code.

Reference: Section 18840 (a), 18840 (b), and 18841, Education Code.

Article 6. Access Services

20322. Interlibrary Loan. This program of the Act supports the sharing of library materials through interlibrary loan. Library resources needed by a library user and not available in the user's library may be made available to the user via interlibrary loan.

- (a) Members of regional library networks are eligible to obtain interlibrary loans and to receive reimbursement for interlibrary loans under the provisions of this chapter. A library shall agree both to extend interlibrary loan services and initiate interlibrary loan requests for its primary clientele in order to participate in this program.
- (b) An interlibrary loan shall result in reimbursement under Education Code Section 18844 (a) if it consists of the loan of a library material in any format or if it consists of the provision of a copy in lieu of loan of a library material from one member of a regional library network to another member of any regional library network statewide.
- (c) Interlibrary loan protocols shall be established through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).
- (d) Reimbursable costs are those handling costs and delivery costs which a lending library incurs in filling a successfully completed interlibrary loan request.
- (e) The reimbursement formula and procedures shall be established through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

- (f) To obtain reimbursement, a regional library network member shall provide to the state board an invoice detailing its interlibrary loan transactions for the appropriate period. For audit purposes, a record of these invoices must be maintained for four years.

Authority cited: Section 18821, Education Code.

Reference: Section 18844 (a), Education Code.

20323. Patron Referral and Onsite Services. This program of the Act enables library users from one institution or public library jurisdiction to use library services and resources in another institution or public library jurisdiction which would otherwise be inaccessible to them.

- (a) Members of regional library networks are eligible to refer patrons under this program. Members of regional library networks are eligible to receive reimbursement for onsite services delivered under the provisions of this Act.

- (1) The provision of onsite services to a referred library patron shall result in reimbursement under Education Code Section 18844 (b) if the services are delivered and if the referral originated from another member of the regional library network in accordance with protocols developed by the regional library network.

- (2) The provision of onsite services to a referred library patron shall result in reimbursement under Education Code Section 18844 (b) if the services are delivered and if the referral originated from a member of any regional library network statewide. Protocols shall be established through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

- (b) Information agencies with uncommon and exceptional onsite services and resources, which would otherwise be inaccessible to the public, may receive designation as an eligible recipient of reimbursement funds under Education Code Section 18844 (b).

- (1) The information agency may apply to a regional library network to provide services to its members provided that:

- (A) it is one of the few if not the only source of the onsite service in the region; and

- (B) it agrees to comply with the purposes and provisions of this Act.

(2) The information agency may apply to the state board to provide services to members of all regional library networks statewide provided that:

(A) it is one of the few if not the only source of the onsite service in the state; and

(B) it agrees to comply with the purposes and provisions of this Act.

(c) Reimbursable onsite services are those identified by the state board.

(d) Reimbursable costs are those identified by the state board.

(e) To obtain reimbursement, an institution or a public library jurisdiction or an information agency shall provide to the state board an invoice detailing its provision of onsite services to referred library patrons for the appropriate period. For audit purposes, a record of these invoices shall be retained for four years.

(f) Reimbursable services, costs, and procedures shall be established through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

Authority cited: Section 18821, Education Code.

Reference: Section 18844 (b), Education Code.

20324. Direct Loan. This program of the Act enables library users to receive direct borrowing privileges at libraries for which these people do not constitute the primary clientele.

(a) Members of a regional library network are eligible to receive reimbursement for extending direct borrowing privileges to people who are not part of their primary clientele, but who are part of the primary clientele of other members of its regional library network. Services shall be provided in accordance with the protocols of the regional library network.

(b) Members of a regional library network are eligible to receive reimbursement for extending direct borrowing privileges to people who are not part of their primary clientele, but who are part of the primary clientele of other members of any regional library network statewide. Protocols shall be established through subsequent rulemaking under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

- (c) A library participating in a direct loan program under this Act shall apply the same rules, policies, procedures, and fees related to borrowing privileges to eligible borrowers from other institutions or public library jurisdictions as are applied to individual members of its own primary clientele. Where there are different categories of primary clientele with different service levels, the library shall identify the service level applicable to eligible borrowers from other institutions or public library jurisdictions.
- (d) Libraries participating in this program shall ascertain whether or not each person requesting direct borrowing privileges is a member of its primary clientele. If the person is a member of the library's primary clientele, such services shall not be reimbursable under this Act.
- (e) An eligible borrower shall hold a valid borrowers card (or equivalent) issued by a member of a regional library network in recognition of his or her status as part of the primary clientele of that institution or public library jurisdiction.
  - (1) Any additional identification generally required by a library of its own primary clientele may also be required.
  - (2) The lending library may also require the name and current address of the borrower and the name and current address of the institution or public library jurisdiction through which the borrower is eligible for service.
- (f) Contracts for loan and other services provided by an institution or a public library jurisdiction to the primary clientele of another institution or public library jurisdiction are not prohibited. Persons served under such contracts shall be registered as part of the primary clientele of the institution or public library jurisdiction providing the contract service. No reimbursement for services provided under the terms of such contracts shall be provided under this Act.
- (g) Loan of a library material of any type by an institution or public library jurisdiction to an eligible borrower shall result in reimbursement from the state under Education Code Section 18844 (c). Reimbursements shall be equitable in that:
  - (1) each loan to an eligible borrower from a type of library different from the lending library shall be reimbursed; and
  - (2) each loan to an eligible borrower from the same type of library as the lending library shall be reimbursed on a net imbalance basis, to the extent that the number of items loaned to its non-primary clientele exceeds the number of items borrowed by its primary clientele from other libraries of the same type.



- (h) To obtain reimbursement, an institution or public library jurisdiction shall provide to the state board an invoice detailing its provision of direct loan services for the appropriate period. For audit purposes, a record of these invoices shall be retained for four years.
- (i) Reimbursable costs are those handling costs incurred by the lending library in processing a direct loan under the provisions of this Act.
- (j) The reimbursement formula and procedures shall be established through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

Authority cited: Section 18821, Education Code.

Reference: Section 18844 (c), Education Code.

20325. Additional Direct Loan Provisions for Public Library Jurisdictions. Each public library jurisdiction that is a member of a regional library network shall provide direct borrowing privileges to all residents of the geographic area served by the regional library network in accordance with Education Code Section 18842 (c) and shall provide such service under the provisions of Section 20324 of this subchapter.

- (a) In addition to the reimbursable services identified in Section 20324 (a-b) of this subchapter, each public library jurisdiction is eligible to receive reimbursement for extending direct borrowing privileges to Californians who are not residents of its geographic jurisdiction and who are not part of the primary clientele of other members of any regional library network.
- (b) For the purposes of this Act, each resident of the state shall be deemed to have a single legal residency, which shall entitle him or her to resident library services of the public library jurisdiction in which he or she resides, and such services shall not be reimbursable under this Act. In determining the places of residency, the provisions of Government Code Section 244 shall apply.
- (c) Extension of borrowing privileges by public library jurisdictions to residents of the geographic area served by the regional library network shall not adversely affect the level of service provided by that library to its own primary clientele.
  - (1) If existing public library service programs, funded at the local level, are diminished as a result of this resource sharing program, the public library jurisdiction may request a waiver of its participation in the direct loan program or a waiver of one or more of the provisions of Section 20324 (c) of this subchapter.

- (2) The regional library network shall submit the original waiver request and the subsequent recommendation of the regional library network to the state board for its consideration within ninety days from receipt of the original request.
- (3) The state board shall approve or disapprove the waiver request within one hundred and twenty days of the waiver filing with the state board by the regional library network. If approved, the provisions of the waiver shall be effective thirty days from the date of the state board's action and shall be effective for the time period specified by the state board in its approval.
- (4) Criteria considered by the state board in making its determination on the waiver request shall include: impact of the direct loan program on local library service; equity of benefits to the primary clientele of the requesting library; relationship of the action proposed by the public library jurisdiction to the purposes of the Act; and recommendation of the regional library network.

Authority cited: Section 18821, Education Code.

Reference: Section 18802 (i) and 18844 (c), Education Code.

20326. Electronic Direct Access. This program of the Act enables library users to obtain electronic borrowing privileges and electronic information delivery privileges from libraries for which these people do not constitute the primary clientele.

- (a) Each member of a regional library network is eligible to authorize library users who constitute part of its primary clientele to utilize this service and is eligible to receive reimbursement for extending this service to people who are not part of its primary clientele but who are part of the primary clientele of other members of regional library networks statewide.
- (b) A member of a regional library network desiring to participate in this program shall:
  - (1) make its own bibliographic records and location information as described in Section 20328 (a) of this subchapter available electronically statewide;
  - (2) at its discretion, authorize members of its primary clientele to receive electronic borrowing privileges and electronic information delivery privileges by issuing statewide electronic library cards to them;
  - (3) provide electronic borrowing privileges and electronic information delivery privileges to authorized holders of statewide electronic library cards; and
  - (4) deliver services in accordance with the protocols established through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

- (c) An eligible borrower is a person who is authorized by and holds a valid statewide electronic library card issued by a member of any regional library network statewide.
- (1) Any additional identification normally required by a library of its own primary clientele may also be required.
  - (2) The lending library may also require the name and current address of the borrower and the name and current address of the institution or public library jurisdiction by which the borrower is eligible for service.
  - (3) Items may be sent electronically to the computer transmitting the request or to a designated substitute computer or to an e-mail account.
  - (4) Items which cannot be transmitted electronically may be delivered physically to the member of the regional library network authorizing the eligible borrower. Alternatively, the borrower may pay for delivery costs for delivery to an alternate site. The borrower is responsible for returning the item to the library authorizing him or her as an eligible borrower or, alternatively, paying the delivery and related costs of returning the item to the lending library.
- (d) Electronic transmission of information or loan of a library material of any type by an institution or a public library jurisdiction to an eligible borrower shall result in reimbursement from the state under Education Code Section 18844 (d). An institution or public library jurisdiction shall not collect reimbursement for the same transaction under both the interlibrary loan program and the electronic direct access program.
- (e) Reimbursable costs are those handling costs and delivery costs which a lending library incurs in filling a successfully completed electronic direct loan transaction.
- (f) To obtain reimbursement, an institution or public library jurisdiction shall provide to the state board an invoice detailing its electronic direct access transactions for the appropriate period. For audit purposes, a record of these invoices shall be maintained for four years.
- (g) The reimbursement formula and procedures shall be established through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

Authority cited: Section 18821, Education Code.  
Reference: Section 18844 (d), Education Code.

## Article 7. Statewide Services

20327. Telecommunications. This program of the Act assists all participating libraries in obtaining equitable access to the resources and services of all other California libraries through a telecommunications infrastructure.

- (a) Each member of a regional library network is eligible to receive state funds for its participating libraries to become electronic doorways to other library resources and services statewide. The state board shall identify minimum technical specifications and/or performance standards to allow libraries to meet this designation through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).
- (b) Any combination of regional library network members, including regional library networks, is eligible to receive state funds for linking library automation systems, supporting electronic access and resource sharing, maintaining access to electronic files and databases, and other services pursuant to the purpose of this Act. The state board shall identify minimum technical specifications and/or performance standards for obtaining state funds through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).
- (c) Any member of a regional library network is eligible to receive state funds to assist its participating libraries with the telecommunications ability to provide access for its clientele to services provided under this Act in a manner that is generally available statewide. The state board shall identify minimum technical specifications and/or performance standards to achieve this equity through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).
- (d) The state board shall identify priorities, criteria, procedures, and eligible costs for telecommunications projects through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

Authority cited: Section 18821, Education Code.

Reference: Section 18850 (a), Education Code.

20328. Bibliographic Databases. This program of the Act ensures that the bibliographic records and location information representing resources in participating libraries are made available statewide.

- (a) Members of regional library networks shall provide access to the bibliographic records and location information for those resources they share with other libraries. Bibliographic records and location information may be provided for books, serials, non-print items, information files, and other library materials. Protocols shall be established through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).
- (b) For those library resources available for sharing but for which bibliographic records and location information are unavailable, incomplete or incompatible with current national standards for cataloging, or inaccessible in electronic format, or a combination thereof, the state board may allocate funds to:
  - (1) reimburse regional library network members for cataloging previously-uncataloged or inadequately-cataloged materials in an online communications format at the national standards of Machine Readable Cataloging (MARC 21; 1999 edition; Network Development and MARC Standards Office, Library of Congress) which is hereby incorporated by reference; and
  - (2) reimburse regional library network members for converting local bibliographic records to the online communications format at the national standards of Machine Readable Cataloging (MARC 21; 1999 edition; Network Development and MARC Standards Office, Library of Congress) which is hereby incorporated by reference.
- (c) The state board may establish and maintain electronic access to bibliographic records and location information for library materials, through the creation of one or more centralized online databases, or through linking library automation system servers to one or more access clients, or both, depending upon the availability and capabilities of local or regional library resources and the priority for statewide access.
- (d) The state board may allocate funds to train library staff in the standards and technologies needed to support the creation and maintenance of bibliographic databases and to utilize linked systems or equivalent access.
- (e) The state board shall identify priorities, criteria, procedures, and eligible costs for bibliographic databases projects through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

Authority cited: Section 18821, Education Code.

Reference: Section 18851, Education Code.

20329. Specialized Reference and Information Provision. This program of the Act enables libraries to draw upon the specialized information resources of other libraries statewide to answer questions beyond the capacity and capability of the regional library network and its members.

- (a) The state board may designate libraries, regional library networks, and information agencies to respond to queries in specific subject areas and reimburse them for their services.
- (b) The state board may allocate funds to libraries and regional library networks to make available or develop and assemble information resources especially relevant to culturally diverse populations and people with disabilities, converting those resources to electronic format in information modules and making them accessible statewide.
- (c) The state board shall identify priorities, criteria, procedures, and eligible costs for specialized reference and information services projects through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

Authority cited: Section 18821, Education Code.

Reference: Section 18853 (a), Education Code.

20330. Enhanced Reference and Information Service. This program of the Act improves reference service at the local level in all participating libraries.

- (a) Members of regional library networks or regional library networks or a combination thereof are eligible to receive state funds for reference enhancement projects.
- (b) Eligible projects include but are not limited to:
  - (1) training in reference service provision;
  - (2) developing local library reference collections and services;
  - (3) providing consultations;
  - (4) conducting continuing education classes;
  - (5) developing and implementing reference evaluation tools; and
  - (6) other services as necessary to improve local reference service under the provisions of this program.

- (c) Services provided under this program shall be offered to members of regional library networks.
- (d) The state board shall select the projects for implementation on the basis of the following criteria:
  - (1) demonstrated need for the project;
  - (2) evidence of adequate planning;
  - (3) anticipated effectiveness of the proposed approach and plan of operation in addressing the need;
  - (4) qualifications and skills of key personnel;
  - (5) cost-effectiveness and adequacy of resources to achieve the project goal(s);
  - (6) anticipated contribution of the project to improvement of reference service in libraries; and
  - (7) appropriateness of the evaluation plan.
- (e) Each applicant seeking funding under this program shall submit an application that addresses the criteria in Section 20330 (d) of this subchapter.
- (f) The state board shall identify priorities, procedures, and eligible costs for enhanced reference and information services projects through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).
- (g) Each applicant receiving funds under this program shall submit a final report comparing project goals with actual accomplishments and budget estimates with actual expenditures. The final evaluation, using the methodology specified in the application (Section 20330 [d][7] of this subchapter), shall also be included.

Authority cited: Section 18821, Education Code.

Reference: Section 18853 (b), Education Code.

20331. Cooperative, Coordinated Resource Development. This program of the Act encourages, promotes, and supports the cooperative acquisition and utilization of library resources among participating libraries.

- (a) The state board may negotiate reduced acquisition costs or licensing costs and usage fees for members of regional library networks.

- (b) The state board may allocate funds to support the trial participation of regional library network members in the use of library resources and technologies for a limited period of time, enabling them to use and evaluate information resources new to them. Member libraries may participate by contacting the state board.
- (c) The state board may allocate funds to develop, license, distribute, and support electronic files or databases to be used by members of regional library networks.
- (d) Any combination of regional library network members or a regional library network or a combination thereof is eligible to receive funds for cooperative, coordinated resource development projects.

(1) Eligible projects include but are not limited to:

- (A) cooperative acquisition or selection processes to assure quality acquisitions and cost-effectiveness for all participants;
- (B) collection agreements regarding areas of subject responsibilities for acquisition and/or long-term retention;
- (C) shared storage and retention facilities;
- (D) collection assessment and evaluation; and
- (E) other projects as necessary to promote cooperative, coordinated resource development consistent with the purposes of this program.

(2) Each participating library involved in a project under this program shall already be capable of meeting the basic, recurring information needs of its primary clientele through its locally supported collection. Library resources purchased, in whole or in part, under this program shall be widely accessible to Californians for the useful life of those resources and shall be represented on regional and statewide bibliographic databases or electronic information access gateways.

(3) The state board shall select the projects for implementation on the basis of the following criteria:

- (A) demonstrated need for the project;
- (B) evidence of adequate planning;
- (C) anticipated effectiveness of the proposed approach and plan of operation in addressing the need;
- (D) qualifications and skills of key personnel;



- (E) cost-effectiveness and adequacy of resources to achieve the project goal(s);
- (F) sufficient local or other funds committed to project purposes;
- (G) anticipated contribution of the project to the improvement of library collections available locally, regionally, and statewide;
- (H) plan for project continuation; and
- (I) appropriateness of the evaluation plan.

- (4) Each applicant seeking funds under this program shall submit an application that addresses the criteria in Section 20331 (d)(3) of this subchapter.
- (5) The state board shall identify priorities, procedures, and eligible costs for cooperative, coordinated resource development projects through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).
- (6) Each applicant receiving funds under this program shall submit a final report comparing project goals with actual accomplishments and budget estimates with actual expenditures. The final evaluation, using the methodology specified in the application (Section 20330 [d][3][I] of this subchapter), shall also be included.

Authority cited: Section 18821, Education Code.

Reference: Section 18855, Education Code.

20332. Preservation. This program of the Act preserves, and provides widespread access to, library materials documenting California's heritage, enhancing California's educational opportunities and economic future, and portraying California's cultural diversity.

- (a) Any member of a regional library network or a regional library network or a combination thereof is eligible to receive funds for preservation projects.
- (b) Eligible projects include but are not limited to:
  - (1) preservation of library materials in any format by reformatting, digitizing, conservation treatment, and other appropriate preservation methods;
  - (2) preservation program management, including needs assessment and planning, research and testing, training, disaster preparedness and recovery, and other managerial activities;

- (3) improvement of collection security and the storage environment; and
  - (4) other projects necessary to preserve library materials consistent with the purposes of this program.
- (c) Each member of a regional library network participating in a project under Education Code Section 18856 (b) shall demonstrate a commitment to ongoing preservation. Library resources preserved, in whole or part, under this program, shall be made available for long-term resource sharing purposes and shall be represented on electronic or bibliographic databases accessible regionally and/or statewide.
- (d) The state board shall select the projects for implementation on the basis of the following criteria:
- (1) demonstrated need for the project;
  - (2) evidence of adequate planning;
  - (3) anticipated effectiveness of the proposed approach and plan of operation in addressing the need;
  - (4) qualifications and skills of key personnel;
  - (5) cost-effectiveness and adequacy of resources to achieve the project goal(s);
  - (6) sufficient local or other funds committed to project purposes;
  - (7) uniqueness of materials to be preserved;
  - (8) contribution of materials to be preserved toward documenting California's heritage, enhancing California's educational and economic future, and portraying California's cultural diversity;
  - (9) adequacy of the resource sharing plan; and
  - (10) appropriateness of the evaluation plan.
- (e) Each applicant seeking funds under this program shall submit an application that addresses the criteria in Section 20332 (d) of this subchapter.
- (f) The state board shall identify priorities, procedures, and eligible costs for preservation projects through subsequent rulemaking conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 of Division 3 of Title 2 of the Government Code, commencing at Section 11340).

- (g) Each applicant receiving funds under this program shall submit a final report comparing project goals with actual accomplishments and budget estimates with actual expenditures. The final evaluation, using the methodology specified in the application, shall also be included.

Authority cited: Section 18821, Education Code.

Reference: Section 18856 (b), Education Code.